

OR, IN THE ALTERNATIVE,

- 2 (A) Any property that is exempt under Federal law (other than the property set forth in paragraph (1) above), or State, or local law, if such law was applicable on the date of filing the Application for Writ of Continuing Garnishment. The applicable law regarding exemptions is the law at the place in which your domicile has been located for 180 days immediately preceding the date of the filing of such application, or for a longer portion of such 180-day period than in any other place. (A list of the property available as an exemption is contained in the attached Claim for Exemption Form); and,
- 2 (B) Any interest in property in which you had, immediately before filing of such application, an interest as a tenant by entirety or joint tenant. If you are electing this type of property, mark the appropriate space on the Claim for Exemption Form.

If you are Brett Y. Rumpke, you have a right to ask the court to return your property to you if you think the property the Government is taking qualifies under one of the specified exemptions or if you think you do not owe the money to the Government that it says you do.

If you are Brett Y. Rumpke, and you want a hearing, you must notify the court within 20 days after receipt of the notice. Your request must be in writing, and either mail it or deliver it in person to the Clerk of the Court at:

Clerk U.S. District Court
U.S. Postoffice & Courthouse, Rm #326
Cincinnati, OH 45202

If you wish, you may request the hearing by checking the appropriate space on the Defendant's Request for Garnishment Hearing form attached to this notice and mailing or delivering your request form to the Clerk of the Court.

You must also send a copy of your request to the government in care of :

Deborah F. Sanders
Assistant United States Attorney
Southern District of Ohio
303 Marconi Boulevard, Suite 200
Columbus, Ohio 43215-2401

so that the Government will know that you want a hearing. The hearing will take place within 5 days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you believe the property (including nonexempt disposable earnings) the Government has taken is exempt or why you do not owe the money to the Government.

If you think you live outside the Federal judicial district in which the court is located, you may request, not later than 20 days after you receive this notice, that this proceeding be transferred by the court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the Court at:

Clerk U.S. District Court
U.S. Postoffice & Courthouse, Rm #326
Cincinnati, OH 45202

You must also send a copy of your request to the Government in care of:

Deborah F. Sanders
Assistant United States Attorney
Southern District of Ohio
303 Marconi Boulevard, Suite 200
Columbus, Ohio 43215-2401


so that the Government will know that you want the proceedings to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the Clerk of the Court. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

James Bonini, Clerk

JAMES BONINI, CLERK
United States District Court

3/30/2004
Date


Deputy Clerk

CLAIM FOR EXEMPTION FORM
MAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) from garnishment which are **checked** below apply in this case:

- _____ 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
- _____ 2. Veterans' benefits (38 U.S.C. § 5301).
- _____ 2a. Members of armed services (10 U.S.C. § 1440, 38 U.S.C. § 1562).
- _____ 3. Federal civil service retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
- _____ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- _____ 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- _____ 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
- _____ 6a. Seaman's, master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 11108(a)-11109(a-c)).

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- _____ 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 352(e)).
- 7. Bankruptcy Code (Title 11, United States Code) which generally provides exemptions for:
 - (a) _____ \$17,425 in equity in a residence.
 - (b) _____ \$2,775 in equity in a motor vehicle.
 - (c) _____ \$1,150 in jewelry.
 - (d) _____ \$9,300 in personal property. (However, no single item worth more than \$450 can be claimed as exempt.)

compensate actual pecuniary loss are not exempt under this paragraph;

- a payment in compensation of loss of your future earnings or the future earnings of an individual of whom you are, or were, a dependant, but only to the extent reasonably necessary for your support of your dependants.

____8. Compensation for war risk hazards (42 U.S.C. § 1717).

MAJOR EXEMPTIONS UNDER STATE LAW

NOTE: The law of the state where you have been domiciled for at least 180 days governs your rights.

NOTE: If you have selected the Bankruptcy Code exemptions (line 7 above), you may not also claim the state law exemptions listed below.

<u>TYPE</u>	<u>STATUTE EXEMPTION</u>	<u>VALUE CLAIMED</u>
____9. Fraternal Benefit Society Benefits	-Ohio Rev. Code. Ann. §§2329.66 (A) (6) (d) and 3921.128	_____
-Exempt before and after payment		
____10. Public Assistance	-Ohio Rev. Stat. §§2329.66 (A) (9), 5107.12 and 5113.03 (A)	_____
-General Assistance and aid to dependent children are exempt		
____11. Pensions and Retirement Benefits	-Ohio Rev. Stat. §§245.66 and provisions cited is note thereafter, and 2329.66 (A) (10)	_____
-Various public employees' retirement systems. In addition, benefits from pension plans qualified for tax exemption and certain non-qualifying plans are exempt. IRA's and Keoughs		

compensate actual pecuniary loss are not exempt under this paragraph;

- a payment in compensation of loss of your future earnings or the future earnings of an individual of whom you are, or were, a dependant, but only to the extent reasonably necessary for your support of your dependants.

____ 8. Compensation for war risk hazards (42 U.S.C. § 1717).

MAJOR EXEMPTIONS UNDER STATE LAW

NOTE: The law of the state where you have been domiciled for at least 180 days governs your rights.

NOTE: If you have selected the Bankruptcy Code exemptions (line 7 above), you may not also claim the state law exemptions listed below.

<u>TYPE</u>	<u>STATUTE EXEMPTION</u>	<u>VALUE CLAIMED</u>
____ 9. Fraternal Benefit Society Benefits	-Ohio Rev. Code. Ann. §§2329.66 (A) (6) (d) and 3921.128	_____
-Exempt before and after payment		
____ 10. Public Assistance	-Ohio Rev. Stat. §§2329.66 (A) (9), 5107.12 and 5113.03 (A)	_____
-General Assistance and aid to dependent children are exempt		
____ 11. Pensions and Retirement Benefits	-Ohio Rev. Stat. §§245.66 and provisions cited is note thereafter, and 2329.66 (A) (10)	_____
-Various public employees' retirement systems. In addition, benefits from pension plans qualified for tax exemption and certain non-qualifying plans are exempt. IRA's and Keoughs		

are exempt when necessary
for support.

_____12. Alimony, Support and -Ohio Rev. Code _____
Separate Maintenance Ann. §2329.66 (A)
(11)
-Alimony, maintenance
and child support

_____13. Crime Victims' -Ohio Rev. Code _____
Compensation Ann. §§2329.66 (A)
(12) (a) and 2743.66 (D)

-Compensation accrued
in previous 12 months.

_____14. Claims for Negligence -Ohio Rev. Code _____
and Tortuous Conduct §2329.66 (A) (12)
(b), (c), and (d)

-A payment on account
of the wrongful death of
an individual of whom the
person is a dependent to
the extent necessary for
support is exempt. Up to
\$5,000 for personal injury,
not including pain and
suffering or pecuniary
loss, for the person or
an individual for whom
the person is a dependent,
is exempt. Compensation
for loss of future earnings,
of the person or an individual
of whom the person is a dependent,
is exempt to the extent necessary
for support.

_____15. Wages -Ohio Rev. Code _____
Ann. §2329.66 (A)
(13)

-If paid weekly,
the greater of 30
times the current
federal minimum wage
of 75% of debtor's
disposable earnings.
If paid biweekly, the
greater of 60 times
the current federal

